

[Separate Interest – for benefits not yet in pay status]

STATE OF _____
IN THE CIRCUIT COURT FOR THE COUNTY OF _____

[PLAINTIFF'S NAME],

Case No. __-____

Plaintiff,

Hon. _____

v

[DEFENDANT'S NAME],

Defendant.

_____/

Attorneys for Plaintiff
_____(P____)

Attorneys for Defendant
_____(P____)

_____, _____
____/____-____

_____, _____
____/____-____

_____/

DOMESTIC RELATIONS ORDER

At a session of the Court, held in the State of _____, County of _____, on this _____ day of _____, 20____.

PRESENT: HONORABLE

This order assigns a portion of [Plaintiff's] [Defendant's] retirement benefits to [Plaintiff] [Defendant] as follows:

1. The plan subject to this order is the Sheet Metal Workers Local 7, Zone 2 Pension Plan.
2. The plan administrator is the joint board of trustees , whose address is:
Trustees of the Sheet Metal Workers Local 7, Zone 2 Pension Trust

c/o Watkins Ross
200 Ottawa Ave NW Suite 600
Grand Rapids MI 49503

3. The participant is _____, whose last known address and telephone number are:

Address: _____

Telephone Number: (____) _____

4. The alternate payee is _____, whose last known address and telephone number are:

Address: _____

Telephone Number: (____) _____

5. The alternate payee is assigned a portion of participant's benefit under the plan as follows:

[use one subsection (a) and then continue with subsection (b) and following]

(a) [____%] of the marital portion of the participant's accrued benefit. The accrued benefit will be determined as of the participant's annuity starting date or, if earlier, the alternate payee's annuity starting date. The marital portion will be determined by a fraction with a numerator equal to the participant's credited service during the marriage and a denominator equal to the participant's credited service as of the participant's annuity starting date or, if earlier, the alternate payee's annuity starting date. If there is a benefit increase that takes into account past service, the alternate payee's portion of the accrued benefit will be adjusted in a manner consistent with the assigned amount.

(a) [____%] of the marital portion of the participant's accrued benefit. The accrued benefit will be determined as of the participant's annuity starting date or, if earlier, the alternate payee's annuity starting date. The marital portion will be determined by a fraction with a numerator equal to the participant's credited service during the marriage and a denominator equal to the participant's credited service as of the date of divorce. If there is a benefit increase that takes into account past service, the alternate payee's portion of the accrued benefit will be adjusted in a manner consistent with the assigned amount.

(a) [_____%] of the participant's accrued benefit under the plan [as of the last day of the plan year ending before the date of this order] [as of _____].

[if this subsection (a) is used, omit subsection (c) and the second sentence of (d)]

(a) [\$_____] per month beginning on the first day of the month after the participant attains the normal retirement age under the plan.

(b) The participant's benefit will be reduced by the portion assigned to the alternate payee under this order.

(c) The alternate payee's benefit will be payable beginning on or after the participant's annuity starting date or, if earlier, the participant's earliest retirement (*i.e.*, the earliest date when the participant would be eligible for early retirement under the terms of the plan).

(d) The alternate payee's benefit will be payable in the form of a single life annuity for the alternate payee's life unless the alternate payee elects an optional form of payment. The alternate payee may elect any optional form of payment available to alternate payees under the terms of the plan. The amount of the benefit payment will be adjusted for the alternate payee's age, the form of payment, and any other factor affecting the actuarial cost of the benefit.

(e) If the plan provides any cost-of-living increase after the participant's annuity starting date, the alternate payee will be entitled to a pro rata share of the increase.

6. If the participant's benefit is not yet vested, the alternate payee's portion of the benefit will become vested only if and when the participant's benefit becomes vested.

7. The alternate payee will be considered a surviving spouse of the participant for all purposes under the plan, including the surviving spouse benefit, but only to the extent of the alternate payee's benefit under this order.

8. If the alternate payee dies before the alternate payee's annuity starting date, the alternate payee's benefit will revert to the benefit of the participant and the participant's beneficiaries. If the alternate payee dies on or after the alternate payee's annuity starting date, the benefit payable to a beneficiary of the alternate payee will be determined by the form of payment to the alternate payee.

9. The alternate payee shall include the taxable amount of the alternate payee's benefit in the alternate payee's gross income for federal income tax purposes (and corresponding state and local tax purposes).

10. Nothing in this order will be interpreted or construed to require the plan or plan administrator to:

(a) provide any type or form of benefit or any option that is not otherwise provided under the terms of the plan;

(b) to provide benefits in excess of the benefits to which the participant would have been entitled in the absence of this order; or

(c) pay benefits to the alternate payee that are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

11. The alternate payee shall provide the plan administrator with the alternate payee's Social Security number and a copy of the alternate payee's birth certificate and shall notify the plan administrator in writing of any change of name, address, or telephone number.

12. The alternate payee shall serve an attested copy of this order on the plan administrator by certified mail, return receipt requested, and file a proof of service with the Court, including a copy of the return receipt showing delivery to the plan administrator.

13. This order is intended to be a qualified domestic relations order under section 206(d)(3) of the Employee Retirement Income Security Act of 1974 as amended and section 414(p) of the Internal Revenue Code of 1986 as amended. The Court will retain jurisdiction to clarify this order if the plan administrator has questions about interpretation or determines that the order does not qualify under ERISA or the Code.

ATTEST: A TRUE COPY

Clerk of the Court

Circuit Judge

APPROVED AS TO FORM AND CONTENT:

Plaintiff

Attorney for Plaintiff

Defendant

Attorney for Defendant